

UNITED STATES DISTRICT COURT
NORTHERN DISTRICT OF CALIFORNIA

ROBERT BENOIT,
Plaintiff,

v.

TRANSWORLD SYSTEMS, INC., et al.,
Defendants.

Case No. 24-cv-01046-VC

**ORDER DISMISSING CASE FOR
FAILURE TO PROSECUTE**

Re: Dkt. No. 26

Benoit failed to respond to the motion for summary judgment. Although he is representing himself, this is not the first time he has failed to pursue his case—previously he did not appear for a case management conference. And even after the defendants filed a notice that Benoit had failed to respond to the motion, he did not file anything. Under these circumstances, and with the trial date rapidly approaching, it would be unfair to the defendants to excuse another failure to prosecute. Accordingly, the case is dismissed with prejudice under Rule 41(b).

Even if the Court were to excuse Benoit’s failure to respond to the motion for summary judgment, it would enter judgment for the defendants on the merits. The FCRA claim and the invasion of privacy claim both hinge on whether the defendants accessed Benoit’s credit report for a permissible purpose. The defendants each put forth evidence that they accessed the report for the permissible purpose of collecting a debt owed by Benoit. 15 U.S.C. § 1681b(a)(3)(A); *see Thomas v. U.S. Bank*, 325 F. App’x 592, 593 (9th Cir. 2009) (unpublished op.); *Huertas v. Galaxy Asset Management*, 641 F.3d 28, 34 (3d Cir. 2011); *Nogali v. Transcon Financial, Inc.*, No. EDCV1400206, 2014 WL 12968085, at *9–*10 (C.D. Cal. July 3, 2014). This evidence is, of course, unrefuted.

IT IS SO ORDERED.

Dated: February 19, 2025

A handwritten signature in black ink, appearing to read 'VCH', is positioned above a horizontal line.

VINCE CHHABRIA
United States District Judge